

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15251 of 2004

Between:

K. Siva, Hindu, S/o K. Venkateswar,
R/o Anjaneyanagar, Kothapet, Vijayawada.

..... PETITIONER

AND

- 1 The Principal Secretary for Higher Education, Government of Andhra Pradesh, Hyderabad.
- 2 The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.
- 3 The Regional Joint Director, Rajahmundry.
- 4 Secretary and Correspondent, Satavahana College, Gandhinagar, Vijayawada.
- 5 The Principal, Satavahana College, Gandhinagar, Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in nature of writ of Mandamus directing the respondents herein to regularize my services with effect from 1-1-1986 in the cadre of Games Peon and from 22-12-1997 as Attender in the aided vacancy and to pay all arrears of salary and other consequential benefits and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondent No.1 to 3: GP FOR EDUCATION

Counsel for the Respondent Nos.4&5: NONE APPEARED

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner was initially appointed as a Games Peon in the College of the 5th respondent in January 1986 and was continued as such. The petitioner contended that the Government of Andhra Pradesh issued G.O.Ms.No.212, Finance and Planning, dated 22-04-1994 directing to absorb the services of the contingent employees who have been working continuously for a minimum period of five years and continue in service as on 25-11-1993. The petitioner further contends that in pursuance of the said G.O, the 4th respondent submitted a letter dated 10-06-1994 to the 2nd respondent furnishing the particulars of all the employees for regularization by duly indicating the vacancy position. In the said letter, the 4th respondent requested the absorption of the petitioner also in the post of Attender in terms of G.O.Ms.No.27, dated 04-02-1981. The petitioner further contends that during the pendency of the said matter before the second respondent, a regular vacancy arose in the cadre of Attender due to retirement of an incumbent on 20-08-1997. Since no orders were passed on the recommendation dated 10-06-1994, the 4th respondent through its proceedings dated 09-03-1999 furnished the particulars of the petitioner to the second respondent for the regular absorption of the petitioner by duly indicating the vacancy position. The 4th respondent also gave a clarifications to the 2nd respondent as required through the letter dated 19-01-2004. The petitioner further contends that the 2nd respondent have regularized the services of several employees working in private colleges on the basis of the length of the service. The grievance of the petitioner is that the 2nd respondent did not pass any orders on the letters of the 4th respondent dated 10-06-1994 and 09-03-1999. The petitioner, therefore, approached this court seeking a direction to the 2nd respondent to pass appropriate orders on the letters of the 4th respondent dated 10-06-1994 and 09-03-1999.

In the light of the circumstances explained by the petitioner, the 2nd respondent is directed to pass appropriate orders on the letters of the 4th respondent dated 10-06-1994 and 09-03-1999 according to Rules within two (2) months from the date of receipt of a copy of this Order. Further, the 4th respondent is directed not to fill up the

post of Attender till the 2nd respondent passes the orders on the letters of the 4th respondent.

The writ petition is disposed of accordingly. No order as to costs.

26TH AUGUST 2004

*TSNR

To

- 1 The Principal Secretary for Higher Education, Government of Andhra Pradesh, Hyderabad.
- 2 The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.
- 3 The Regional Joint Director, Rajahmundry.
- 4 Secretary and Correspondent, Satavahana College, Gandhinagar, Vijayawada.
- 5 The Principal, Satavahana College, Gandhinagar, Vijayawada.
6. Two CCs to GP FOR EDUCATION, High Court Buildings, Hyderabad, (OUT)
7. Two C.D. Copies